

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FN 2002-005864

10/31/2005

HON. SALLY S. DUNCAN

CLERK OF THE COURT  
M. Cabral  
Deputy

IN RE THE MARRIAGE OF  
BERNA BOLAND

FILED: 11/07/2005

BERNA BOLAND  
4829 W LOMA LN  
GLENDALE AZ 85302

AND

JOHN FRANCIS BOLAND III

JOHN FRANCIS BOLAND III  
PO BOX 308  
WENDEN AZ 85357

WILLIAM J KLUWIN  
SUPPORT SERVICES-CCC

MINUTE ENTRY

Courtroom 1002-Central Court Building

10:08 a.m. This is the time set for Evidentiary Hearing on Petitioner's Petition re: Enforcement of Decree of Legal Separation and Petitioner's Petition to Modify Spousal Maintenance. Petitioner/Wife is neither present nor represented by counsel. Respondent/Husband, John Boland III, is present on his own behalf.

A digital audio recording of this proceeding is being made by the "For the Record" recording system in lieu of a court reporter.

**THE COURT FINDS** that Wife had knowledge of today's proceeding and has willfully failed to appear.

**IT IS THEREFORE ORDERED** waiving the appropriate time limits and allowing this matter to proceed by default.

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Due to Wife's failure to appear,

**IT IS ORDERED** dismissing Petitioner's Petition to Modify Spousal Maintenance.

The Court has received and reviewed Husband's Pretrial Statement. The Court notes that Husband has retained William Kluwin to prepare the parties' Qualified Domestic Relations Order (QDRO).

Husband further informs the Court that the bankruptcy proceeding has been filed.

**IT IS ORDERED** that Husband shall immediately contact William Kluwin regarding the preparation of the Qualified Domestic Relations Order (QDRO).

With respect to spousal maintenance,

**IT IS ORDERED** affirming the Court's prior orders with respect to spousal maintenance.

**LET THE RECORD REFLECT** the Court reviews the parties' Decree of Legal Separation and minute entry dated November 4, 2003.

10:11 a.m. **LET THE RECORD REFLECT** Petitioner/Wife, Berna Boland, is now present.

The Court admonishes Wife regarding her tardiness.

**IT IS ORDERED** vacating the Court's prior orders with respect to dismissing Wife's Petition to Modify Spousal Maintenance.

Berna Boland and John Boland III are sworn.

Berna Boland testifies.

John Boland III testifies.

**LET THE RECORD REFLECT** that Husband presents to Wife a check in the amount of \$250.00 for the November 1, 2005 spousal maintenance payment.

**IT IS ORDERED** that Husband shall receive credit for \$250.00 for the November 1, 2005 spousal maintenance payment.

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**IT IS FURTHER ORDERED** effective December 1, 2005, Husband shall make all spousal maintenance payments on the first of each month through the Support Payment Clearinghouse, P.O. Box 52107, Phoenix, Arizona, 85072-2107.

**IT IS FURTHER ORDERED** if Wife believes that there is an arrearage due and owing, Wife shall make a written demand to Husband and provide Husband proof that an arrearage exists. After Husband receives the written demand, Husband has thirty (30) days to make a written response and/or make the arrearage payment to Wife. If Husband fails to respond and/or make the arrearage payment, Wife may then petition the Court for intervention.

Based on the testimony presented on this date, the Court makes the following findings and orders:

**THE COURT FINDS** that there is not a substantial and continuing change in circumstances that warrants a modification at this time. The Court further finds that Husband has retired and makes less money.

**THE COURT FURTHER FINDS** that the Qualified Domestic Relations Order will be prepared and Wife will be receiving an estimated \$300.00 plus a month in addition to the current spousal maintenance award of \$250.00 per month.

**IT IS THEREFORE ORDERED** affirming the current spousal maintenance amount of \$250.00 per month.

10:40 a.m. Hearing concludes.

The Court signs this minute entry as a formal Order of the Court on this the 31<sup>st</sup> day of October, 2005.

/ s / HON. SALLY S. DUNCAN

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JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.